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PATENT, TRADEMARK AND COPYRIGHT LAW  
AND RELATED FEDERAL AND ITC LITIGATION



ATTN: APPLICATION BRANCH

**THIS IS A RESPONSE TO A  
NOTICE TO FILE MISSING  
PARTS OF AN APPLICATION**

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ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

Re: Inventor: Michel ARTHUR et al.  
Serial No: 09/357,375  
Filed: July 20, 1999  
For: POLYPEPTIDES IMPLICATED IN THE EXPRESSION OF  
RESISTANCE TO GLYCOPEPTIDES, IN PARTICULAR IN GRAM-  
POSITIVE BACTERIA, NUCLEOTIDE SEQUENCE CODING FOR  
THESE POLYPEPTIDES AND USE FOR DIAGNOSIS

SIR:

Attached hereto for filing are the following papers:

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION  
COPY OF PAPERS FILED JULY 29, 1999 (DATE-STAMPED FILING RECEIPT; PRELIMINARY  
AMENDMENT; REQUEST FOR A COMPUTER-READABLE SEQUENCE LISTING AND  
STATEMENT; SEQUENCE LISTING)  
RETURN COPY - NOTICE TO FILE MISSING PARTS OF APPLICATION**

Our check in the amount of \$760.00 is attached covering any required fees. In the event that any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 CFR 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 CFR 1.136 for the necessary extension of time. A duplicate of this sheet is enclosed.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Docket No. 0660-0155-0 DIV

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Norman F. Oblon  
Registration No. 24,618  
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Registration No. 41,504

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

IN RE APPLICATION OF:

Michel ARTHUR et al.

SERIAL NO.: 09/357,375

FILED: July 20, 1999



:  
: GROUP ART UNIT: 1652  
:  
:

FOR: POLYPEPTIDES IMPLICATED IN THE EXPRESSION OF RESISTANCE TO  
GLYCOPEPTIDES, IN PARTICULAR IN GRAM-POSITIVE BACTERIA,  
NUCLEOTIDE SEQUENCE CODING FOR THESE POLYPEPTIDES AND  
USE FOR DIAGNOSIS

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION**

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

SIR:

Responsive to the Notice to File Missing Parts of Application dated August 12, 1999, Applicants note that a Preliminary Amendment was filed in the above-identified application on July 29, 1999. A copy of all papers filed, along with the Preliminary Amendment and the date-stamped filing receipt are enclosed. In view of the filing of the Preliminary Amendment and the fact that a copy of the Declaration from the parent application was submitted with the application on July 20, 1999, Applicants respectfully submit that the total amount of fees due in this case is \$760.00 a check in that amount is attached hereto.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Norman F. Oblon  
Attorney of Record  
Registration No.: 24,618

James J. Kelly, Ph.D.  
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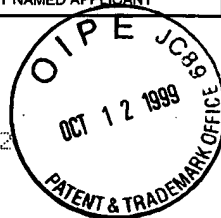
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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09/357,375 07/20/99 ARTHUR

M 0660-0155-0 *DTI V*

0232/0812



NOT ASSIGNED

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1652

DATE MAILED:

08/12/99

NOTICE TO FILE MISSING PARTS OF APPLICATION

Filing Date Granted

*Cosmic Fly Inc/Claims fees 10/12/99*

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☐ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a ☐ small entity (statement filed) ☒ non-small entity is \$ 1312

- ☒ 1. The statutory basic filing fee is:  
☒ missing.  
☒ insufficient.

Applicant must submit \$ 760 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

- ☒ 2. The following additional claims fees are due:

\$ 160 for 9 total claims over 20.

\$ 260 for 9 independent claims over 3.

\$ 260 for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

- ☐ 3. The oath or declaration:

☐ is missing or unsigned.

☐ does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

- ☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

- ☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

10/25/1999 VITUMER 00000004 150030 09357375

**01 FC:105** An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

- ☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

- ☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

- ☐ 8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

- ☐ 9. OTHER:

Direct adjustment date: 08/10/2000. DULSON is notice to "Attention: Box Missing Parts."

10/25/1999 VITUMER 00000004 150030 09357375

01 FC:105

130.00 CB

A copy of this notice **MUST** be returned with the reply.

*UNBlack*

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Initial Patent Examination Division (703) 308-1202

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